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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,947	10/10/2003	Michael Alan Meek	11633.00078	3886
22908	7590	03/24/2005	EXAMINER	
BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/683,947	MEEK ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Winnie Yip	3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 October 2003.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

This is a first office action .

### ***Drawings***

1. The drawings are objected to because the exploded view, i.e. Fig. 2, with the separated parts of the same figure, should be embraced by a bracket in order to show the relationship or order of assembly of various parts. Correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Josey (US Patent No.6,023,898) .

Josey shows and teaches a frame system comprising: a plurality of studs (10) each having a longitudinally extending body, opposing first flanges (18, 20) extending outwardly from the body at approximately an angle of 90 degrees, and opposite second flanges (22, 24) extending outwardly from the opposite first flanges at approximately an angle of 90 degrees, and opposing foldable end flaps (26, 28), a pair of tracks mounted to the plurality of studs, each track having a longitudinally extending track body (38) and opposing track flanges (40) extending outwardly from the track body at an angle approximately 90 degrees, the track including a plurality of holes (48) to mount the tracks to the studs.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herren et al. (US Patent (No. 5,189,857) in view of Knudson (US Patent No. 5,860,213).

Herren et al. '857 shows and teaches a frame system comprising: a plurality of studs (30) each having a longitudinally extending body (32) and opposing first flanges (40, 42) extending outwardly from the body at approximately an angle of 90 degrees, and opposing foldable end flaps (44, 50), a pair of tracks (12, 14) mounted to the plurality of studs, each track having a longitudinally extending track body (24) and opposing track flanges (18, 20) extending outwardly from the track body at an angle approximately 90 degrees, the tracks are mounted to the foldable end flaps of the stud by fasteners (58) through a plurality of holes (54) formed on the track and the studs. Herren does not define the studs having opposing second flanges extending outwardly from the opposing first flanges at an approximately 90 degrees as claimed.

However, Knudson teaches the frame system comprising C-shaped tracks (12, 13) and studs (14) mounted therebetween, wherein the stud (14) having opposing first flanges (22) extending from a body (14), and second flanges (24) extending from the first flanges at an angle approximately 90 degrees for increasing the rigidity of the flanges of the stud. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the frame system of Herren having the studs being formed with an additional second opposing

flanges formed on the first flanges as taught by Knudson, as old and well known in the art, for increasing rigidity and tensile strength of the stud to as claimed.

6. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Josey '898 as applied to claims 1 or 5 above, and further in view of Baltimorean (US Patent No. 5,411,812). The claims are considered to be met by Josey as explained and applied set forth above rejections except Josey does not define the tracks and studs being made of specific of a carbon steel being coated with a galvanized zinc layer as claimed. Bilimoria teaches a steel beam/strip could be made of carbon steel being galvanized with a zinc coating as claimed. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the frame system of Josey having the tracts and the studs being made of specific material such as a carbon steel with a galvanized zinc coating as taught by Bilimoria for taking advantage of hight tensile strength of the structure for particular advantage since they are easily formed according to technology which is known per se into complex and intricate shapes and configurations.

*Citations*

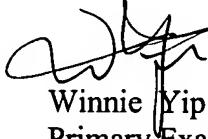
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Edeus et al. '988, Horton et al. '859, Martin '995, Longinotti '544, Herren '318, Dovell '473 teach various frame system comprising studs mounted on the tracks as similar to the claimed invention.

***Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip  
Primary Examiner  
Art Unit 3637

wsy  
March 21, 2005